

Message Text

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PAGE 01 HAMILT 00384 180301Z
ACTION SNM-05

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TO SECSTATE WASHDC 2894

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E.O. 11652: NA
TAGS: SNAR
SUBJECT: NARCOTICS LAWS

REF: A) STATE 203321; B) STATE 170187

FOLLOWING INFORMATION IS FURNISHED IN THE FORMAT OF
REF B.

1.A. NO. HOWEVER, HARD DRUGS OFFENSES ARE TREATED MORE
SERIOUSLY THAN THOSE FOR CANNABIS.

1.B. NO.

1.C.1. NO.

1.C.2. YES.

1.C.3. YES, INsofar AS WHETHER PROCEEDINGS ARE BY INDICTMENT
OR ON SUMMARY CONVICTION. E.G. SIMPLE POSSESSION MAXIMUM
PENALTY FOR FIRST OFFENSE ON INDICTMENT IS FIVE YEARS, WHILE
ON SUMMARY CONVICTION PUNISHMENT IS LIMITED TO MAXIMUM FINE
OF USDOLLARS 1,000 OR 12 MONTHS IMPRISONMENT, OR BOTH. FOR
OTHER DRUG OFFENSES, A CONVICTION ON INDICTMENT SUBJECTS
OFFENDER TO AN INDETERMINANT FINE OR IMPRISONMENT FOR UP TO
20 YEARS, OR BOTH, AND, ON SUMMARY CONVICTION, TO A FINE NOT
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EXCEEDING USDOLLARS 5,000 OR IMPRISONMENT FOR UP TO 3 YEARS,
OR BOTH.

2.A. LAW CONSOLIDATES ALL CONTROLLED SUBSTANCES INTO A GENERAL
TRAFFICKING OFFENSE.

2.B. THERE ARE NO MINIMUM PENALTIES, ETC., BUT THE MAXIMUMS

ARE AS LISTED UNDER I.C.3.

2.C. THE STATUTE PROHIBITS THE SUPPLY, OFFER TO SUPPLY OR BEING CONCERNED IN THE SUPPLY OF A CONTROLLED DRUG AND THE CIRCUMSTANCES OF EACH CASE, INCLUDING AMOUNT, WILL DETERMINE THE OFFENSE CHARGED.

2.D. YES.

3.A.1. YES.

3.A.2. NO.

3.A.3. NO. IT IS UNLAWFUL TO CULTIVATE ANY PLANT OF THE GENUS CANNABIS, FOR WHICH THERE IS A PENALTY AS STATED IN 1.C.3.

3.B. NOT APPLICABLE.

3.C. YES. SAME AS 1.C.3.

4.A. NO, SAVE THAT AN INDIVIDUAL MAY BE CHARGED FOR AIDING AND ABETTING OR CONSPIRING IN SUCH A VENTURE.

4.B. GENERALLY NO.

5.A. IN GENERAL PRACTICE A PERSON MAY BE HELD WITHOUT CHARGE
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FOR UP TO 72 HOURS AND AFTER CHARGE HE IS EITHER BAILED BY THE POLICE OR BROUGHT BEFORE A MAGISTRATE WITHIN 24 HOURS.

5.B. WHERE AN ACCUSED IS NOT RELEASED ON BAIL, AN EARLY TRIAL IS SET.

5.C. THE TRIAL PROCESS, PARTICULARLY WHEN FOREIGNERS ARE INVOLVED IS QUIET EXPEDITIOUS. THE TRIAL, DEPENDING UPON ITS COMPLEXITY, WILL USUALLY PROCEED WITHIN A MONTH OF THE ARREST AND AN APPEAL CAN BE HEARD WITHIN THREE MONTHS.

5.D. LEGAL AID IS AVAILABLE AND, IN ANY EVENT, THERE ARE ADEQUATE LAWYERS TO TAKE NARCOTIC CASES. FEES ARE NEGOTIABLE.

5.E. THERE ARE PROVISIONS FOR PAROLE. A PRISONER IS ENTITLED TO CONSIDERATION TO BE RELEASED ON LICENSE WITH CONDITIONS, AFTER SERVING ONE HALF HIS TERM HE IS ELIGIBLE FOR PAROLE WITHOUT CONDITIONS, AFTER SERVING TWO-THIRDS OF HIS TERM.

5.F. NO. ALL DEFENDERS ARE FINED IF FOUND IN POSSESSION OF CANNABIS AT THE RATE OF USDOLLARS 100 PER GRAM OR FRACTION THERE-OF.

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